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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 JESUS CERDA,

12 Plaintiff,

13 v.

14 ALLY FINANCIAL, *et al.*,

15 Defendants.
16
17

Case No. 3:22-cv-05188-TLT

**DEFENDANT EXPERIAN
INFORMATION SOLUTIONS INC.'S
ANSWER TO COMPLAINT AND
AFFIRMATIVE DEFENSES**

18 COMES NOW Defendant Experian Information Solutions, Inc. ("Experian"), by and
19 through its undersigned counsel, and answers Plaintiff Jesus Cerda's ("Plaintiff") Complaint (the
20 "Complaint") as follows:

21 Experian denies, generally and specifically, any and all allegations in the Complaint not
22 specifically admitted in the paragraphs below. Experian further states that it lacks knowledge or
23 information sufficient to form a belief about the truth of any and all allegations as they relate to the
24 actions of third parties and therefore denies the same. Experian further states that its investigation
25 of the present matter is ongoing. Accordingly, Experian reserves the right to amend this Answer.
26 In response to the numbered paragraphs in the Complaint, Experian states as follows:

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1 **COMPLAINT**

2 In response to the “Complaint” paragraph, Experian admits that the Complaint purports to
3 allege violations of the Fair Debt Collection Practices Act (“FDCPA”), Fair Credit Reporting Act
4 (“FCRA”), and the California Rosenthal Fair Debt Collection Practices Act (“CRFDCPA”).
5 Experian denies any express or implied allegation of wrongdoing and denies violating any
6 consumer protection laws.

7 **JURISDICTION AND VENUE**

8 1. In response to Paragraph 1 of the Complaint, Experian admits that Plaintiff has
9 alleged that jurisdiction is proper. As to the remaining allegations in Paragraph 1, Experian states
10 that the allegations contained therein are legal conclusions not subject to admission or denial. To
11 the extent a response is required, Experian lacks knowledge or information sufficient to form a
12 belief about the truth of those allegations, and therefore denies, generally and specifically, each and
13 every allegation contained therein.

14 2. In response to Paragraph 2 of the Complaint, Experian admits that Plaintiff has
15 alleged that venue is proper in this district. As to the remaining allegations in Paragraph 2, Experian
16 states that the allegations contained therein are legal conclusions not subject to admission or denial.
17 To the extent a response is required, Experian lacks knowledge or information sufficient to form a
18 belief about the truth of those allegations, and therefore denies, generally and specifically, each and
19 every allegation contained therein.

20 **PARTIES**

21 3. In response to Paragraph 3 of the Complaint, Experian lacks knowledge or
22 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
23 generally and specifically, each and every allegation contained therein.

24 4. In response to Paragraph 4 of the Complaint, Experian lacks knowledge or
25 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
26 generally and specifically, each and every allegation contained therein.

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1 5. In response to Paragraph 5 of the Complaint, Experian lacks knowledge or
2 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
3 generally and specifically, each and every allegation contained therein.

4 6. In response to Paragraph 6 of the Complaint, Experian lacks knowledge or
5 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
6 generally and specifically, each and every allegation contained therein.

7 7. In response to Paragraph 7 of the Complaint, Experian lacks knowledge or
8 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
9 generally and specifically, each and every allegation contained therein.

10 8. In response to Paragraph 8 of the Complaint, Experian lacks knowledge or
11 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
12 generally and specifically, each and every allegation contained therein.

13 9. In response to Paragraph 9 of the Complaint, Experian lacks knowledge or
14 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
15 generally and specifically, each and every allegation contained therein.

16 10. In response to Paragraph 10 of the Complaint, Experian lacks knowledge or
17 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
18 generally and specifically, each and every allegation contained therein.

19 11. In response to Paragraph 11 of the Complaint, Experian lacks knowledge or
20 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
21 generally and specifically, each and every allegation contained therein.

22 12. In response to Paragraph 12 of the Complaint, Experian lacks knowledge or
23 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
24 generally and specifically, each and every allegation contained therein.

25 13. In response to Paragraph 13 of the Complaint, Experian lacks knowledge or
26 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
27 generally and specifically, each and every allegation contained therein.

1 14. In response to Paragraph 14 of the Complaint, Experian lacks knowledge or
2 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
3 generally and specifically, each and every allegation contained therein.

4 15. In response to Paragraph 15 of the Complaint, Experian lacks knowledge or
5 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
6 generally and specifically, each and every allegation contained therein.

7 16. In response to Paragraph 16 of the Complaint, Experian lacks knowledge or
8 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
9 generally and specifically, each and every allegation contained therein.

10 17. In response to Paragraph 17 of the Complaint, Experian lacks knowledge or
11 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
12 generally and specifically, each and every allegation contained therein.

13 18. In response to Paragraph 18 of the Complaint, Experian admits that it is an Ohio
14 corporation, with its principal place of business in Costa Mesa, California

15 19. In response to Paragraph 19 of the Complaint, Experian lacks knowledge or
16 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
17 generally and specifically, each and every allegation contained therein

18 20. In response to Paragraph 20 of the Complaint, Experian lacks knowledge or
19 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
20 generally and specifically, each and every allegation contained therein.

21 21. In response to Paragraph 21 of the Complaint, Experian lacks knowledge or
22 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
23 generally and specifically, each and every allegation contained therein.

24 22. In response to Paragraph 22 of the Complaint, Experian lacks knowledge or
25 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
26 generally and specifically, each and every allegation contained therein.

1 23. In response to Paragraph 23 of the Complaint, Experian lacks knowledge or
2 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
3 generally and specifically, each and every allegation contained therein.

4 24. In response to Paragraph 24 of the Complaint, Experian denies, generally and
5 specifically, each and every allegation contained therein that relates to Experian. As to the
6 allegations in Paragraph 24 that relate to other defendants, Experian lacks knowledge or
7 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
8 generally and specifically, each and every allegation contained therein.

9 25. In response to Paragraph 25 of the Complaint, Experian denies, generally and
10 specifically, each and every allegation contained therein that relates to Experian. As to the
11 allegations in Paragraph 25 that relate to other defendants, Experian lacks knowledge or
12 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
13 generally and specifically, each and every allegation contained therein.

14 **FACTUAL ALLEGATIONS**

15 26. In response to Paragraph 26 of the Complaint, Experian lacks knowledge or
16 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
17 generally and specifically, each and every allegation contained therein.

18 27. In response to Paragraph 27 of the Complaint, Experian denies, generally and
19 specifically, each and every allegation contained therein that relates to Experian. As to the
20 allegations in Paragraph 27 that relate to other defendants, Experian lacks knowledge or
21 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 28. In response to Paragraph 28 of the Complaint, Experian admits that it is a “consumer
24 reporting agency” as defined by 15 U.S.C. § 1681a(f). As to the allegations in Paragraph 28 that
25 relate to other defendants, Experian lacks knowledge or information sufficient to form a belief as
26 to the truth of those allegations and, on that basis, denies, generally and specifically, each and every
27 remaining allegation contained therein.

1 29. In response to Paragraph 29 of the Complaint, Experian states that the allegations
2 contained therein are legal conclusions not subject to admission or denial. To the extent a response
3 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 29 of the Complaint and, on that basis, denies, generally and
5 specifically, each and every allegation contained therein.

6 30. In response to Paragraph 30 of the Complaint, Experian lacks knowledge or
7 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
8 generally and specifically, each and every allegation contained therein.

9 31. In response to Paragraph 31 of the Complaint, Experian lacks knowledge or
10 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
11 generally and specifically, each and every allegation contained therein.

12 32. In response to Paragraph 32 of the Complaint, Experian lacks knowledge or
13 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
14 generally and specifically, each and every allegation contained therein.

15 33. In response to Paragraph 33 of the Complaint, Experian lacks knowledge or
16 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
17 generally and specifically, each and every allegation contained therein.

18 34. In response to Paragraph 34 of the Complaint, Experian lacks knowledge or
19 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
20 generally and specifically, each and every allegation contained therein.

21 35. In response to Paragraph 35 of the Complaint, Experian states that the allegations
22 contained therein are legal conclusions not subject to admission or denial. To the extent a response
23 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
24 the allegations contained in Paragraph 35 of the Complaint and, on that basis, denies, generally and
25 specifically, each and every allegation contained therein.

26 36. In response to Paragraph 36 of the Complaint, Experian states that the allegations
27 contained therein are legal conclusions not subject to admission or denial. To the extent a response
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1 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 36 of the Complaint and, on that basis, denies, generally and
3 specifically, each and every allegation contained therein.

4 37. In response to Paragraph 37 of the Complaint, Experian states that the allegations
5 contained therein are legal conclusions not subject to admission or denial. To the extent a response
6 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
7 the allegations contained in Paragraph 37 of the Complaint and, on that basis, denies, generally and
8 specifically, each and every allegation contained therein.

9 38. In response to Paragraph 38 of the Complaint, Experian lacks knowledge or
10 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
11 generally and specifically, each and every allegation contained therein.

12 39. In response to Paragraph 39 of the Complaint, Experian denies, generally and
13 specifically, each and every allegation contained therein that relates to Experian. As to the
14 allegations in Paragraph 39 that relate to other defendants, Experian lacks knowledge or
15 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
16 generally and specifically, each and every allegation contained therein.

17 40. In response to Paragraph 40 of the Complaint, Experian lacks knowledge or
18 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
19 generally and specifically, each and every allegation contained therein.

20 41. In response to Paragraph 41 of the Complaint, Experian lacks knowledge or
21 information sufficient to form a belief as to the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 42. In response to Paragraph 42 of the Complaint, Experian denies, generally and
24 specifically, each and every allegation contained therein that relates to Experian. As to the
25 allegations in Paragraph 42 that relate to other defendants, Experian lacks knowledge or
26 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
27 generally and specifically, each and every allegation contained therein.

1 43. In response to Paragraph 43 of the Complaint, Experian states that the allegations
2 contained therein are legal conclusions not subject to admission or denial. To the extent a response
3 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 43 of the Complaint and, on that basis, denies, generally and
5 specifically, each and every allegation contained therein.

6 44. In response to Paragraph 44 of the Complaint, Experian states that the allegations
7 contained therein are legal conclusions not subject to admission or denial. To the extent a response
8 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 44 of the Complaint and, on that basis, denies, generally and
10 specifically, each and every allegation contained therein.

11 45. In response to Paragraph 45 of the Complaint, Experian denies, generally and
12 specifically, each and every allegation contained therein that relates to Experian. As to the
13 allegations in Paragraph 45 that relate to other defendants, Experian lacks knowledge or
14 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
15 generally and specifically, each and every allegation contained therein.

16 46. In response to Paragraph 46 of the Complaint, Experian states that the allegations
17 contained therein are legal conclusions not subject to admission or denial. To the extent a response
18 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
19 the allegations contained in Paragraph 46 of the Complaint and, on that basis, denies, generally and
20 specifically, each and every allegation contained therein.

21 47. In response to Paragraph 47 of the Complaint, Experian denies, generally and
22 specifically, each and every allegation contained therein that relates to Experian. As to the
23 allegations in Paragraph 47 that relate to Plaintiff and other defendants, Experian lacks knowledge
24 or information sufficient to form a belief about the truth of those allegations and, on that basis,
25 denies, generally and specifically, each and every allegation contained therein.

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COUNT I
VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15 U.S.C.
§1692e(2), (5), (8) and (10) BY ALL DEFENDANTS.

48. Experian restates and incorporates its responses to the allegations contained in Paragraphs 1 through 47 as though fully set forth herein.

49. In response to Paragraph 49 of the Complaint, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

50. In response to Paragraph 50 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 50 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

51. In response to Paragraph 51 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 51 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

52. In response to Paragraph 52 of the Complaint, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

53. In response to Paragraph 53 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 53 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

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1 54. In response to Paragraph 54 of the Complaint, Experian denies, generally and
2 specifically, each and every allegation contained therein that relates to Experian. As to the
3 allegations in Paragraph 54 that relate to other defendants, Experian lacks knowledge or
4 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
5 generally and specifically, each and every allegation contained therein.

6 55. In response to Paragraph 55 of the Complaint, Experian denies, generally and
7 specifically, each and every allegation contained therein that relates to Experian. As to the
8 allegations in Paragraph 55 that relate to other defendants, Experian lacks knowledge or
9 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
10 generally and specifically, each and every allegation contained therein.

11 56. In response to Paragraph 56 of the Complaint, Experian denies, generally and
12 specifically, each and every allegation contained therein that relates to Experian. As to the
13 allegations in Paragraph 56 that relate to other defendants, Experian lacks knowledge or
14 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
15 generally and specifically, each and every allegation contained therein.

16 57. In response to Paragraph 57 of the Complaint, Experian denies, generally and
17 specifically, each and every allegation contained therein that relates to Experian. As to the
18 allegations in Paragraph 57 that relate to other defendants, Experian lacks knowledge or
19 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
20 generally and specifically, each and every allegation contained therein.

21 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
22 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
23 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
24 truth of those allegations and, on that basis, denies, generally and specifically, each and every
25 allegation contained therein.

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COUNT II
VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15 U.S.C.
§1692g(a) BY ALL DEFENDANTS.

58. Experian restates and incorporates its responses to the allegations contained in Paragraphs 1 through 57 as though fully set forth herein.

59. In response to Paragraph 59 of the Complaint, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

60. In response to Paragraph 60 of the Complaint, Experian states that the allegations contained therein are legal conclusions not subject to admission or denial. To the extent a response is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint and, on that basis, denies, generally and specifically, each and every allegation contained therein.

61. In response to Paragraph 61 of the Complaint, Experian states that the allegations contained therein are legal conclusions not subject to admission or denial. To the extent a response is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint and, on that basis, denies, generally and specifically, each and every allegation contained therein.

62. In response to Paragraph 62 of the Complaint, Experian states that the allegations contained therein are legal conclusions not subject to admission or denial. To the extent a response is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint and, on that basis, denies, generally and specifically, each and every allegation contained therein.

63. In response to Paragraph 63 of the Complaint, Experian states that the allegations contained therein are legal conclusions not subject to admission or denial. To the extent a response is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of

1 the allegations contained in Paragraph 63 of the Complaint and, on that basis, denies, generally and
2 specifically, each and every allegation contained therein.

3 64. In response to Paragraph 64 of the Complaint, Experian lacks knowledge or
4 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
5 generally and specifically, each and every allegation contained therein.

6 65. In response to Paragraph 65 of the Complaint, Experian lacks knowledge or
7 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
8 generally and specifically, each and every allegation contained therein.

9 66. In response to Paragraph 66 of the Complaint, Experian denies, generally and
10 specifically, each and every allegation contained therein that relates to Experian. As to the
11 allegations in Paragraph 66 that relate to other defendants, Experian lacks knowledge or
12 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
13 generally and specifically, each and every allegation contained therein.

14 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
15 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
16 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
17 truth of those allegations and, on that basis, denies, generally and specifically, each and every
18 allegation contained therein.

19 **COUNT III**

20 **VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681s-2(b)**

21 **BY ALL DEFENDANTS.**

22 67. Experian restates and incorporates its responses to the allegations contained in
23 Paragraphs 1 through 66 as though fully set forth herein.

24 68. In response to Paragraph 68 of the Complaint, Experian lacks knowledge or
25 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
26 generally and specifically, each and every allegation contained therein.

1 69. In response to Paragraph 69 of the Complaint, Experian admits that it is a “consumer
2 reporting agency” as defined by 15 U.S.C. § 1681a(f). As to the remaining allegations in Paragraph
3 69, Experian lacks knowledge or information sufficient to form a belief as to the truth of those
4 allegations and, on that basis, denies, generally and specifically, each and every remaining
5 allegation contained therein.

6 70. In response to Paragraph 70 of the Complaint, Experian states that the allegations
7 contained therein are legal conclusions not subject to admission or denial. To the extent a response
8 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
9 the allegations contained in Paragraph 70 of the Complaint and, on that basis, denies, generally and
10 specifically, each and every allegation contained therein.

11 71. In response to Paragraph 71 of the Complaint, Experian lacks knowledge or
12 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
13 generally and specifically, each and every allegation contained therein.

14 72. In response to Paragraph 72 of the Complaint, Experian lacks knowledge or
15 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
16 generally and specifically, each and every allegation contained therein.

17 73. In response to Paragraph 73 of the Complaint, Experian lacks knowledge or
18 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
19 generally and specifically, each and every allegation contained therein.

20 74. In response to Paragraph 74 of the Complaint, Experian lacks knowledge or
21 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 75. In response to Paragraph 75 of the Complaint, Experian lacks knowledge or
24 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
25 generally and specifically, each and every allegation contained therein.

26 76. In response to Paragraph 76 of the Complaint, Experian states that the allegations
27 contained therein are legal conclusions not subject to admission or denial. To the extent a response
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1 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
2 the allegations contained in Paragraph 76 of the Complaint and, on that basis, denies, generally and
3 specifically, each and every allegation contained therein.

4 77. In response to Paragraph 77 of the Complaint, Experian lacks knowledge or
5 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
6 generally and specifically, each and every allegation contained therein.

7 78. In response to Paragraph 78 of the Complaint, Experian lacks knowledge or
8 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
9 generally and specifically, each and every allegation contained therein.

10 79. In response to Paragraph 79 of the Complaint, Experian states that the allegations
11 contained therein are legal conclusions not subject to admission or denial. To the extent a response
12 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
13 the allegations contained in Paragraph 79 of the Complaint and, on that basis, denies, generally and
14 specifically, each and every allegation contained therein.

15 80. In response to Paragraph 80 of the Complaint, including all subparts, Experian states
16 that the allegations contained therein are legal conclusions not subject to admission or denial. To
17 the extent a response is required, Experian lacks knowledge or information sufficient to form a
18 belief as to the truth of the allegations contained in Paragraph 80 of the Complaint and, on that
19 basis, denies, generally and specifically, each and every allegation contained therein.

20 81. In response to Paragraph 81 of the Complaint, Experian lacks knowledge or
21 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 82. In response to Paragraph 82 of the Complaint, Experian states that the allegations
24 contained therein are legal conclusions not subject to admission or denial. To the extent a response
25 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 82 of the Complaint and, on that basis, denies, generally and
27 specifically, each and every allegation contained therein.

1 83. In response to Paragraph 83 of the Complaint, Experian states that the allegations
2 contained therein are legal conclusions not subject to admission or denial. To the extent a response
3 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
4 the allegations contained in Paragraph 83 of the Complaint and, on that basis, denies, generally and
5 specifically, each and every allegation contained therein.

6 84. In response to Paragraph 84 of the Complaint, including all subparts, Experian states
7 that the allegations contained therein are legal conclusions not subject to admission or denial. To
8 the extent a response is required, Experian lacks knowledge or information sufficient to form a
9 belief as to the truth of the allegations contained in Paragraph 84 of the Complaint and, on that
10 basis, denies, generally and specifically, each and every allegation contained therein.

11 85. In response to Paragraph 85 of the Complaint, Experian states that the allegations
12 contained therein are legal conclusions not subject to admission or denial. To the extent a response
13 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
14 the allegations contained in Paragraph 85 of the Complaint and, on that basis, denies, generally and
15 specifically, each and every allegation contained therein.

16 86. In response to Paragraph 86 of the Complaint, Experian lacks knowledge or
17 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
18 generally and specifically, each and every allegation contained therein.

19 87. In response to Paragraph 87 of the Complaint, Experian states that the allegations
20 contained therein are legal conclusions not subject to admission or denial. To the extent a response
21 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
22 the allegations contained in Paragraph 87 of the Complaint and, on that basis, denies, generally and
23 specifically, each and every allegation contained therein.

24 88. In response to Paragraph 88 of the Complaint, Experian denies, generally and
25 specifically, each and every allegation contained therein that relates to Experian. As to the
26 allegations in Paragraph 88 that relate to other defendants, Experian lacks knowledge or
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1 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
2 generally and specifically, each and every allegation contained therein.

3 89. In response to Paragraph 89 of the Complaint, Experian denies, generally and
4 specifically, each and every allegation contained therein that relates to Experian. As to the
5 allegations in Paragraph 89 that relate to other defendants, Experian lacks knowledge or
6 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
7 generally and specifically, each and every allegation contained therein.

8 90. In response to Paragraph 90 of the Complaint, Experian denies, generally and
9 specifically, each and every allegation contained therein that relates to Experian. As to the
10 allegations in Paragraph 90 that relate to other defendants, Experian lacks knowledge or
11 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
12 generally and specifically, each and every allegation contained therein.

13 91. In response to Paragraph 91 of the Complaint, Experian denies, generally and
14 specifically, each and every allegation contained therein that relates to Experian. As to the
15 allegations in Paragraph 91 that relate to other defendants, Experian lacks knowledge or
16 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
17 generally and specifically, each and every allegation contained therein.

18 92. In response to Paragraph 92 of the Complaint, Experian denies, generally and
19 specifically, each and every allegation contained therein that relates to Experian. As to the
20 allegations in Paragraph 92 that relate to other defendants, Experian lacks knowledge or
21 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 93. In response to Paragraph 93 of the Complaint, Experian denies, generally and
24 specifically, each and every allegation contained therein that relates to Experian. As to the
25 allegations in Paragraph 93 that relate to other defendants, Experian lacks knowledge or
26 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
27 generally and specifically, each and every allegation contained therein.

1 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
2 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
3 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
4 truth of those allegations and, on that basis, denies, generally and specifically, each and every
5 allegation contained therein.

6 **COUNT IV**
7 **VIOLATION OF FCRA §1681i(a)**
8 **BY ALL DEFENDANTS.**

9 94. Experian restates and incorporates its responses to the allegations contained in
10 Paragraphs 1 through 93 as though fully set forth herein.

11 95. In response to Paragraph 95 of the Complaint, Experian denies, generally and
12 specifically, each and every allegation contained therein that relates to Experian. As to the
13 allegations in Paragraph 95 that relate to other defendants, Experian lacks knowledge or
14 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
15 generally and specifically, each and every allegation contained therein.

16 96. In response to Paragraph 96 of the Complaint, Experian denies, generally and
17 specifically, each and every allegation contained therein that relates to Experian. As to the
18 allegations in Paragraph 96 that relate to other defendants, Experian lacks knowledge or
19 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
20 generally and specifically, each and every allegation contained therein.

21 97. In response to Paragraph 97 of the Complaint, Experian denies, generally and
22 specifically, each and every allegation contained therein that relates to Experian. As to the
23 allegations in Paragraph 97 that relate to other defendants, Experian lacks knowledge or
24 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
25 generally and specifically, each and every allegation contained therein.

26 98. In response to Paragraph 98 of the Complaint, Experian denies, generally and
27 specifically, each and every allegation contained therein that relates to Experian. As to the
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1 allegations in Paragraph 98 that relate to other defendants, Experian lacks knowledge or
2 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
3 generally and specifically, each and every allegation contained therein.

4 99. In response to Paragraph 99 of the Complaint, Experian denies, generally and
5 specifically, each and every allegation contained therein that relates to Experian. As to the
6 allegations in Paragraph 99 that relate to other defendants, Experian lacks knowledge or
7 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
8 generally and specifically, each and every allegation contained therein.

9 100. In response to Paragraph 100 of the Complaint, Experian denies, generally and
10 specifically, each and every allegation contained therein that relates to Experian. As to the
11 allegations in Paragraph 100 that relate to other defendants, Experian lacks knowledge or
12 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
13 generally and specifically, each and every allegation contained therein.

14 101. In response to Paragraph 101 of the Complaint, Experian denies, generally and
15 specifically, each and every allegation contained therein that relates to Experian. As to the
16 allegations in Paragraph 101 that relate to other defendants, Experian lacks knowledge or
17 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
18 generally and specifically, each and every allegation contained therein.

19 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
20 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
21 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
22 truth of those allegations and, on that basis, denies, generally and specifically, each and every
23 allegation contained therein.

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COUNT V

VIOLATION OF FCRA §1681e(b)

BY DEFENDANTS CRA'S *[sic]*.

102. Experian restates and incorporates its responses to the allegations contained in Paragraphs 1 through 101 as though fully set forth herein.

103. In response to Paragraph 103 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 103 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

104. In response to Paragraph 104 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 104 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

105. In response to Paragraph 105 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 105 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

106. In response to Paragraph 106 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the allegations in Paragraph 106 that relate to other defendants, Experian lacks knowledge or information sufficient to form a belief about the truth of those allegations and, on that basis, denies, generally and specifically, each and every allegation contained therein.

107. In response to Paragraph 107 of the Complaint, Experian denies, generally and specifically, each and every allegation contained therein that relates to Experian. As to the

1 allegations in Paragraph 107 that relate to other defendants, Experian lacks knowledge or
2 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
3 generally and specifically, each and every allegation contained therein.

4 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
5 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
6 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
7 truth of those allegations and, on that basis, denies, generally and specifically, each and every
8 allegation contained therein.

9 **COUNT VI**

10 **VIOLATION OF CALIFORNIA ROSENTHAL FAIR DEBT COLLECTION**

11 **PRACTICES ACT (CAFDCA), CC §1788**

12 **BY ALL DEFENDANTS.**

13 108. Experian restates and incorporates its responses to the allegations contained in
14 Paragraphs 1 through 107 as though fully set forth herein.

15 109. In response to Paragraph 109 of the Complaint, Experian lacks knowledge or
16 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
17 generally and specifically, each and every allegation contained therein.

18 110. In response to Paragraph 110 of the Complaint, Experian denies, generally and
19 specifically, each and every allegation contained therein that relates to Experian. As to the
20 allegations in Paragraph 110 that relate to other defendants, Experian lacks knowledge or
21 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
22 generally and specifically, each and every allegation contained therein.

23 111. In response to Paragraph 111 of the Complaint, Experian states that the allegations
24 contained therein are legal conclusions not subject to admission or denial. To the extent a response
25 is required, Experian lacks knowledge or information sufficient to form a belief as to the truth of
26 the allegations contained in Paragraph 111 of the Complaint and, on that basis, denies, generally
27 and specifically, each and every allegation contained therein.

1 112. In response to Paragraph 112 of the Complaint, Experian denies, generally and
2 specifically, each and every allegation contained therein that relates to Experian. As to the
3 allegations in Paragraph 112 that relate to other defendants, Experian lacks knowledge or
4 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
5 generally and specifically, each and every allegation contained therein.

6 113. In response to Paragraph 113 of the Complaint, Experian denies, generally and
7 specifically, each and every allegation contained therein that relates to Experian. As to the
8 allegations in Paragraph 113 that relate to other defendants, Experian lacks knowledge or
9 information sufficient to form a belief about the truth of those allegations and, on that basis, denies,
10 generally and specifically, each and every allegation contained therein.

11 In response to the “WHEREFORE” paragraph, including all subparts, Experian denies that
12 Plaintiff is entitled to any of the relief requested or any relief whatsoever against Experian. As to
13 the other defendants, Experian lacks knowledge or information sufficient to form a belief about the
14 truth of those allegations and, on that basis, denies, generally and specifically, each and every
15 allegation contained therein.

16 **RESPONSE TO DEMAND FOR JURY TRIAL**

17 Experian admits that Plaintiff has demanded trial by jury on all issues triable.

18 **AFFIRMATIVE DEFENSES**

19 In further response to Plaintiff’s Complaint, Experian hereby asserts the following
20 affirmative defenses, without conceding that it bears the burden of persuasion as to any of them.

21 **FIRST AFFIRMATIVE DEFENSE**

22 **(Statute of Limitations)**

23 Experian is informed and believes and thereon alleges that all claims for relief in the
24 Complaint herein are barred by the applicable statutes of limitation, including but not limited to
25 15 U.S.C. § 1681p.

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SECOND AFFIRMATIVE DEFENSE

(Intervening Superseding Cause)

Plaintiff’s claims fail to the extent that Plaintiff’s purported damages, which Experian continues to deny, were the results of acts or omissions of third persons over whom Experian had neither control nor responsibility.

THIRD AFFIRMATIVE DEFENSE

(Contributory/Comparative Fault)

Experian is informed and believes and thereon alleges that any alleged damages sustained by Plaintiff were, at least in part, caused by the actions of Plaintiff himself and/or third parties and resulted from Plaintiff’s or third parties’ own negligence which equaled or exceeded any alleged negligence or wrongdoing by Experian.

FOURTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

Plaintiff’s claims fail to the extent that they are barred, in whole or in part, because Plaintiff has failed to mitigate his damages.

FIFTH AFFIRMATIVE DEFENSE

(Estoppel)

Any damages which Plaintiff may have suffered, which Experian continues to deny, were the direct and proximate result of the conduct of Plaintiff. Therefore, Plaintiff is estopped and barred from recovery of any damages.

SIXTH AFFIRMATIVE DEFENSE

(Laches)

The Complaint and each claim for relief therein are barred by laches.

SEVENTH AFFIRMATIVE DEFENSE

(Federal Preemption)

Any and all state and common law claims Plaintiff brings against Experian are preempted by the federal Fair Credit Reporting Act.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 **(Right to Assert Additional Defenses)**

3 Experian reserves the right to assert additional affirmative defenses at such time and to such
4 extent as warranted by discovery and the factual developments in this case.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Defendant Experian Information Solutions, Inc. prays as follows:

- 7 (1) That Plaintiff take nothing by virtue of the Complaint herein and that this action be
8 dismissed in its entirety;
- 9 (2) That Experian be dismissed as a party to this action;
- 10 (3) For costs of suit and attorneys' fees herein incurred; and
- 11 (4) For such other and further relief as the Court may deem just and proper.
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- 13

14 Dated: December 9, 2022

JONES DAY

15

16 By: /s/ Katie Gonzalez

17 Katie Gonzalez (SBN 329085)
18 JONES DAY
19 1755 Embarcadero Road
20 Palo Alto, California 94303
Telephone: +1.650.739.3972
Facsimile: +1.650.739.3900

21 Attorneys for Defendant
22 Experian Information Solutions, Inc.

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: 1755 Embarcadero Road, Palo Alto, California 94303.

On December 9, 2022, I served a copy of the within document(s):

**DEFENDANT EXPERIAN INFORMATION SOLUTIONS INC.'S ANSWER TO
COMPLAINT AND AFFIRMATIVE DEFENSES**

☒ EMAIL: by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

☒ MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Palo Alto, California addressed as set forth below.

Jesus Cerda 2528 Pomo Tri Santa Rosa,, CA 95403 Telephone: (707)-237-4855 Email: jessiecerda1985@gmail.com	<i>Plaintiff</i> <i>PRO SE</i>
Peter Yould Troutman Pepper 5 Park Plaza Suite 1400 Irvine, CA 92614 Telephone: (949) 622-2421 Email: peter.yould@troutman.com	<i>Attorneys for Defendant</i> <i>ALLY FINANCIAL</i>
Hunter Randolph Eley Doll Amir & Eley LLP 725 South Figueroa Street, Suite 3275 Los Angeles, CA 90017 Telephone: (213) 542-3380 Fax: (213) 542-3381 Email: heley@dollamir.com	<i>Attorneys for Defendant</i> <i>CAPITAL ONE BANK USA NA</i>

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 9, 2022, at Palo Alto, California.

/s/ Julie A. Gleaves
Julie A. Gleaves